

REMARKS

Reconsideration of the present application, as amended, is respectfully requested.

By means of the present amendment, the specification has been amended for conformance with FIG 3.

In the Final Office Action, claims 1-3, 5-15 and 17-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 5,689,692 (Averbuch) in view of U.S. 5,689,692 (Shanahan). Further, claims 4 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Averbuch in view of Shanahan and U.S. 4,700,375 (Reed). In response, claims 1, 7 and 15 have been amended, and claims 20-29 have been added. Applicants respectfully submit that claims 1-29, as amended, are patentable over Averbuch, Shanahan and Reed for at least the following reasons.

Averbuch shows in FIG 1 a portable wireless communication unit 101 coupled to a battery charger/software downloader 108. The portable wireless communication unit 101 produces a flag 402 (FIG 4). Upon detecting this flag 402 (in the portable wireless communication unit 101), the software downloader 108 receives updated software from a server 104 and downloads the updated software to the portable wireless communication unit 101.

In stark contrast, the present invention as recited in amended independent claim 1, and similarly recited in independent claims 7 and 15, requires that the "selectable transfer is selectable by a user." This feature is nowhere taught or suggested by Averbuch.

Shanahan and Reed are cited in relation to selective data storage or transfer, and for showing a rechargeable device being a remote control. Therefore, Shanahan and Reed do not remedy the deficiencies in Averbuch.

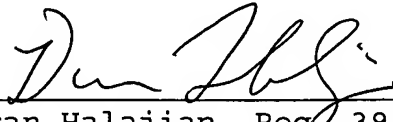
Accordingly, it is respectfully submitted that independent claims 1, 7 and 15 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-6, 8-14 and 16-29 should also be allowed at least based on their dependence from independent claims 1, 7 and 15, as well as for the separately patentable elements contained in each of the dependent claims.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Applicants reserve the right to submit further arguments in support of the above stated position as well as the right to introduce relevant secondary considerations including long-felt but unresolved needs in the industry, failed

attempts by others to invent the invention, and the like, should that become necessary.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
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